
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff

vs.

MERRILL SCOTT & ASSOCIATES, LTD.,
et al.,

Defendants.

ORDER AND MEMORANDUM DECISION

2:02 CV 39

Defendant Michael G. Licopantis has filed a motion requesting that the court reconsider its decision to impose a civil monetary fine against him in the amount of \$110,000. Although a court may review and reconsider any decision made during the course of a proceeding before the entry of a final judgment, the Federal Rules of Civil Procedure do not specifically contemplate a “motion to reconsider.” But rules 59 and 60 of the Federal Rules of Civil Procedure do allow parties to pursue new trials, amend judgments, or to seek relief from a judgment. Mr. Licopantis fails to identify the rule of civil procedure under which he brings his motion.

In any event, Mr. Licopantis's motion lacks merit. Mr. Licopantis fails to establish that any of the factors identified in rule 59 or 60 of the Federal Rules of Civil Procedure warrant reconsideration of the court's decision to impose the \$110,000 fine. Rather, his motion expresses simple disagreement with the court's conclusion that a civil fine of \$110,000 is appropriate.

A party should not use a motion for reconsideration to reargue the motion or present evidence that should have been presented before. Moreover, a party

seeking reconsideration must show more than a disagreement with the Court's decision, and recapitulation of the cases and arguments considered by the court before rendering its original decision fails to carry the moving party's burden. When a motion for reconsideration raises only a party's disagreement with a decision of the Court, that dispute should be dealt with in the normal appellate process, not on a motion for reargument[.]

NL Indus., Inc. v. Commercial Union Ins. Cos., 938 F. Supp. 248, 249-50 (D. N.J. 1996 (internal quotations omitted) (quoted in Whitmer v. World Fin. Network Nat'l Bank, No. 2:04CV567DAK, D. Utah, Oct. 6, 2006, 2006 WL 2883226, at *1).

The arguments raised by Mr. Licopantis in his motion for reconsideration were already addressed in the court's previous order. In short, Mr. Licopantis does not submit any argument or evidence that would warrant a reconsideration of the court's earlier decision. Accordingly, Mr. Licopantis's Motion for Reconsideration of Amount of Civil Monetary Penalty (dkt. #857) is DENIED.

SO ORDERED this 21st day of December, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge